THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5211 of 2006

DATED: 17-03-2006

Between:

Bharinikana Sambamurthy and others

…Petitioners

and

The Special Deputy Collector

& Land Acquisition Officer,

Special Economic Zone (SEZ)

Unit-I, Collector Office, Visakhapatnam

and another … Respondents

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ORDER:

Petitioners filed the writ petition seeking a writ of Mandamus declaring the inaction of the respondent in referring the matter for payment of compensation in respect of the lands acquired in Survey No.224, 255 and 270/1, 270/2 and 270/3 of an extent of Ac.1.35 cents, Ac.2.00 and Ac.1.27 cents situated at Duppituru village of Atchuthapuram Mandal, Visakhapatnam District acquired for the purpose of creation of Integrated Special Economic Zone, to the competent civil court under Section 30 of Land Acquisition Act, 1894(for short ‘the Act’)as arbitrary and illegal.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents and perused the material available on record.

It is the case of the petitioners that proceedings under the Act have been initiated for acquiring the lands in respect of Survey No. 255 of an extent of Ac.2.00 situated at Duppituru village of Atchuthapuram Mandal, Visakhapatnam District which is described as 'Enam Mettu' and also in respect of Survey Nos.270/1, 270/ 2 and 270/3 situated at Duppituru village of Atchuthapuram Mandal, Visakhapatnam District which is described as 'Enam Pallam' to which the petitioners were shown as possessors. It is the further case of the petitioners that the said property is not Endowment property and it is inam property granted to their great grand father as service Inam for rendering service to Sri Sri Sri Choodeswara Swamy Vari Temple and the petitioners are the absolute owners and possessors of the said property. It is further stated that petitioners have also got issued a legal notice on 25-12-2005 to the first respondent claiming their right, title and interest over the said property. Though certain objections were raised with regard to the payment of the compensation, the Land Acquisition Officer has not considered and disposed of the same.

I am not inclined to express any opinion as to whether the petitioners are the possessors of the lands in question or whether the said lands belong to Endowment. It is for the first respondent to consider and dispose of the objections filed by the petitioners pursuant to the notices issued under Sections 9 and 10 of the Act while passing the award under Section 11 of the Act.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the objections filed by the petitioners, after giving reasonable opportunity, and pass appropriate orders, in accordance with law.

Writ petition is, accordingly, disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 17-03-2006

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